



US Army Corps  
of Engineers

# PUBLIC NOTICE

NUMBER: 23268N      DATE: April 2, 1998  
RESPONSE REQUIRED BY: May 4, 1998

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

PERMIT MANAGER: Rob Lawrence

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**1. INTRODUCTION:** Mr. Harry Blake, Timmers Landing Homeowners Association, Inc. 68 Trinidad Drive, Tiburon, California 94920, has applied (through his consultant, Radford "Skid" Hall, Ph.D. (650) 548-1656) for a Department of the Army permit. The proposed project is to maintenance dredge sediments from an established turning basin at the end of Jamaica Street in the Paradise Cay subdivision of Tiburon, Marin County, California. Previous dredging in Paradise Cay has been conducted under Department of the Army permit numbers 19322N47 and 19430N47. The area of this proposed project was not dredged under those permits. The proposed dredging work would reestablish sufficient water depths for small craft maneuvering and access to the navigational channel and residential docks. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to remove an estimated 9,000 cubic yards (cys) of sediment from a footprint of approximately 1.2 acres. The current depth of the basin ranges from 0 feet to -6 feet Mean Lower Low Water (MLLW) datum. The proposed dredging would be carried out to a depth of -7 feet MLLW plus a one-foot allowance for overdepth. The proposed dredging would be performed with either a clamshell or small hydraulic dredge. The dredged material would be transported to the Alcatraz Disposal Site (SF-11).

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 2101 Webster Street, Suite 500, Oakland, California 94612, by the close of the comment period of this public notice.

The project is in the jurisdictional purview of the San Francisco Bay Conservation and Development Commission (BCDC). The applicant will be required to obtain a permit from BCDC after the RWQCB has made a determination of water quality certification for this project.

**4. PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the

National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - The turning basin to be dredged is an area of approximately 1.2 acres. Currently, the depths in the basin range from about 0 feet to about -6 feet MLLW. Sediments are principally comprised of clays and silts. Proposed dredging work would remove approximately 9,000 cubic yards of sediment, lowering substrate elevations to -7 feet MLLW plus a 1-foot allowance for overdepth. Since the natural processes of sediment loss, transport and accretion may cause similar disturbances to the substrate, the associated effects of dredging operations on substrate conditions would be adverse but short-term and minor to moderate in magnitude.

The dredged material would be disposed at SF-11 and could result in altering the existing substrate with a layer of newly deposited sediments. Since SF-11 is a highly dispersive disposal site, with very little of the deposited sediments being retained, the associated effects of disposal operations on substrate conditions would be adverse but short-term and minor in magnitude.

Erosion/Sedimentation Rate - Dredging work would likely result in localized sloughing of sediment along the slopes of portions of the basin, increasing the rate of erosion and sedimentation until a stable angle of repose was attained.

Considering the small amount of material to be removed, the associated effects of dredging operations on erosion and sedimentation rates would be adverse but short-term and minor in magnitude.

Water Quality - Dredging and disposal operations may temporarily affect water quality variables such as dissolved oxygen (DO), pH, salinity, total suspended solids (TSS), and turbidity. Turbidity at the dredging and disposal sites would naturally increase because of additional TSS in the water column. DO levels in the water column could decrease during disposal events depending upon the extent of oxygen consuming matter in the dredged material. Since ambient water quality conditions recur shortly after each dredging event, the associated affects of dredging and disposal operations on these water quality variables would be adverse, but short-term and minor in magnitude.

Impacts to water quality at dredging and disposal sites due to chemical contaminants associated with dredged material are generally short-term and localized. Most contaminants remain highly associated with sediments during disposal events, and release into the water column is minimal and temporary. Therefore, water quality impacts associated with the disposal of dredged material at SF-11 from the proposed project are expected to be adverse but short-term, localized and minor.

The suitability of the proposed dredged material for aquatic disposal in the San Francisco Bay complex was evaluated by the Dredged Material Management Office (DMMO), an interagency group consisting of representatives from the Corps of Engineers, U.S. Environmental Protection Agency, San Francisco Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission and the State Lands Commission. The DMMO considered a request for a Tier I exclusion from chemical and biological tests. Based on an examination of previous test results from the same general area, the DMMO determined that a Tier I exclusion is appropriate for the material proposed to be dredged from the turning basin.

## (2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Endangered Species - Federally-listed endangered adult winter-run chinook salmon (*Oncorhynchus tshawytscha*) migrate through San Francisco Bay, as well as Suisun Bay and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay system are thought to be rapid during these migrations. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to winter-run chinook salmon that may be near the disposal site are anticipated.

Habitat for Fish and Other Aquatic Organisms - The removal of approximately 9,000 cubic yards of sediment from the basin area could have short-term, adverse impacts on fish and fish habitats by temporarily increasing TSS in the water column and possibly decreasing DO levels during dredge operations. However, conditions in the water column at the dredging site would likely return to pre-dredge conditions shortly after completion of the dredging episode. The removal of bottom sediments could also result in the removal of benthic organisms from the basin.

Disposal of the dredged material at SF-11 could have short-term, adverse impacts on fish and fish habitats. These impacts could be localized with increase turbidity due to additional TSS in the water column and decrease DO levels. Water column impacts due to dredged material disposal events at SF-11 are generally temporary and conditions usually return within minutes to hours following disposal. Therefore, these impacts are considered to be minor.

The Corps has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed maintenance dredging will occur within the traditional Pacific herring spawning grounds. As a result, the Corps will condition the

permit (if issued) so that dredging will not be allowed during the peak of the spawning season.

## b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

### (1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - Short-term, adverse impacts to air quality could be expected as a result of dredging operations at the project site and from the barging of the dredged material to the Alcatraz disposal site. However, these impacts are likely to be minor and localized. Based on the relatively minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' jurisdictional areas, the Corps has determined that the total direct and indirect project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the requirements of the State Air Quality Implementation Plan (SIP) for California.

Noise Conditions - Short-term, adverse impacts on noise conditions in the local area could be expected from the operation of dredging equipment, with an expected increase in ambient noise levels.

### (2) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - The maintenance dredging and disposal operations would have short-term, adverse impacts on visual resources in San Francisco and San Pablo Bays. However, since dredging equipment and barges are frequently seen vessels on San Francisco and San Pablo Bays, the impact would likely be minor. The disposal of dredged material at SF-11, and the resultant turbidity plume following each disposal event would have short-term, adverse impacts on the visual resources in the area. However, turbidity plumes associated with disposal events generally last only minutes to hours. Therefore, this impact is considered to be minimal.

Recreational Opportunities - Disposal of dredged material at Alcatraz could have short-term, adverse impacts on recreationists using the area for boating and other activities. However, any such conflicts during disposal events are likely to be minor.

Recreational Fishing - See Recreational Opportunities.

### (3) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

Given the turning basin has been previously dredged to depths equal to those requested in the subject permit application, it is unlikely any historic properties are present at the proposed dredging site. However, if any archaeological resources were encountered during the dredging operations, the Corps of Engineers would consult with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and take into account any project effects on such properties.

#### c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

#### d. SUMMARY OF CUMULATIVE IMPACTS

The maintenance dredging of the turning basin and the disposal of dredged material at the Alcatraz site would cumulatively contribute to the resuspension of sediments in the San Francisco Bay system. The contribution of 9,000 cubic yards of sediment to this process probably represents a minor, adverse impact.

#### e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action, however, has

not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

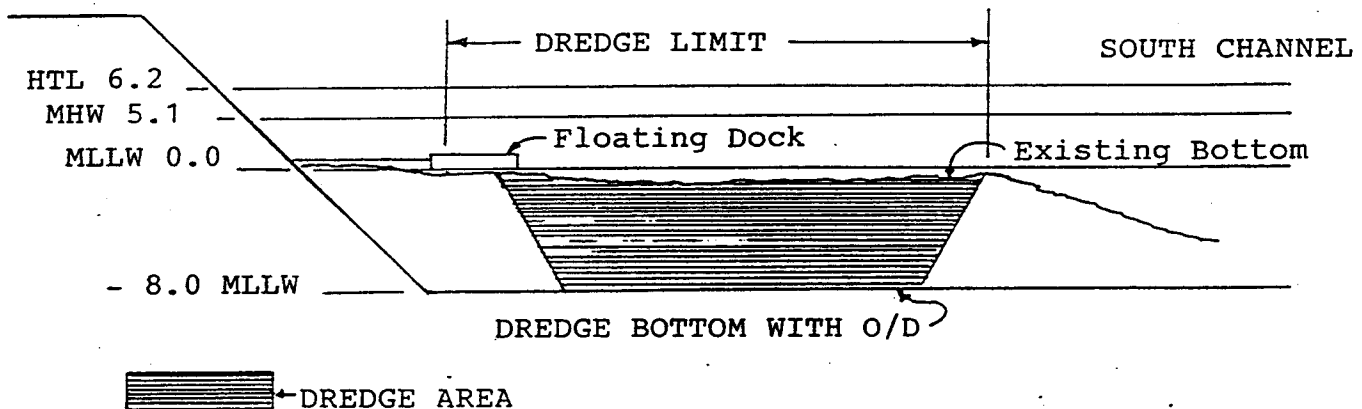
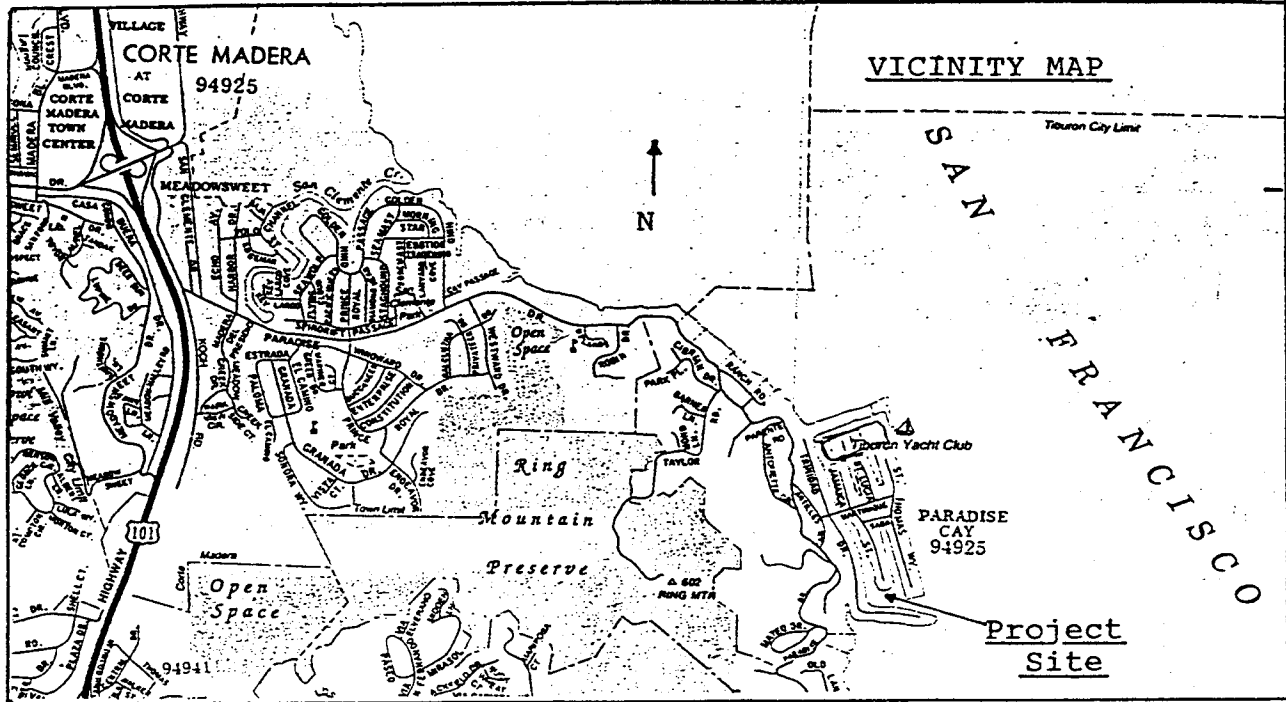
**5. EVALUATION OF ALTERNATIVES:** Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)).

**6. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**7. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps

of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**8. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Lieutenant Colonel Richard G. Thompson, District Engineer, Attention: Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Rob Lawrence of our office at telephone (415) 977-8447 or by E-mail at [rlawrence@smtp.spd.usace.army.mil](mailto:rlawrence@smtp.spd.usace.army.mil). Details on any changes of a minor nature which are made in the final permit action will be provided on request.



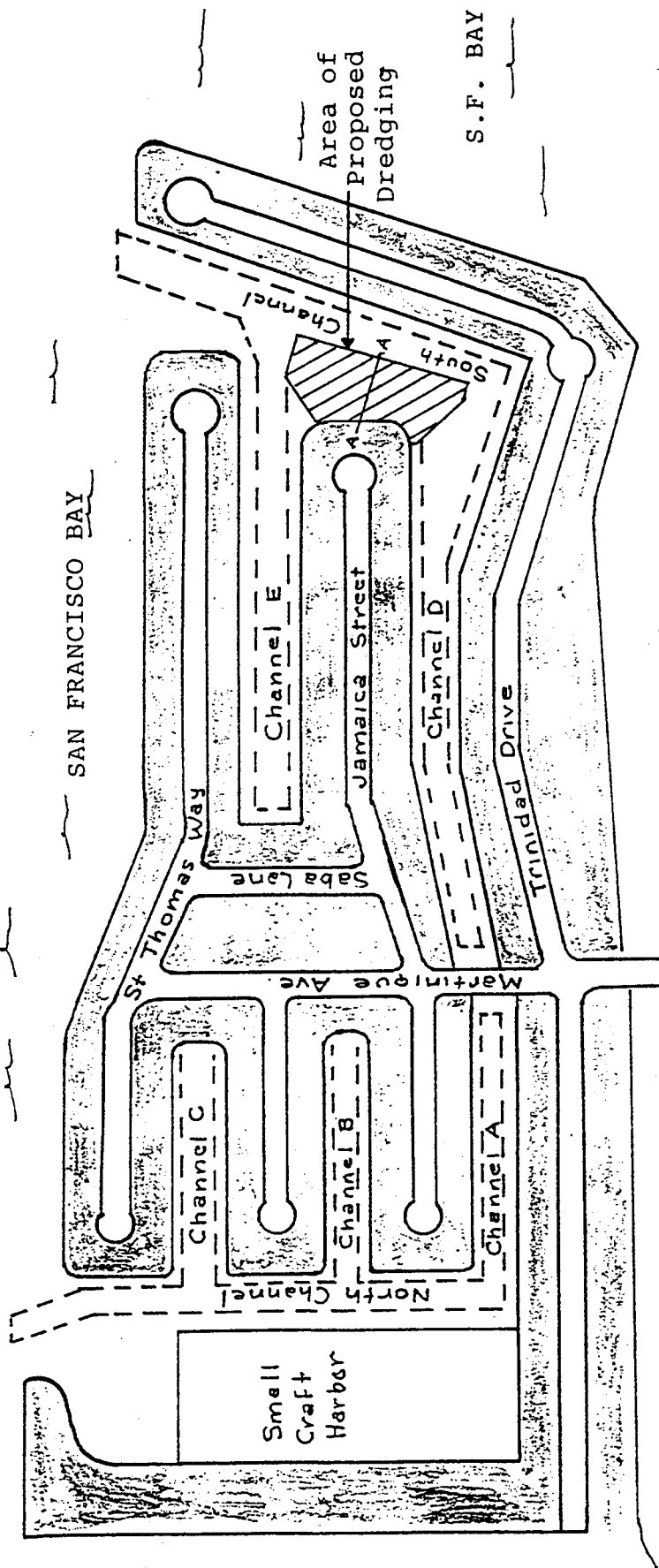
PURPOSE: MAINTENANCE  
DREDGING

DATUM: MLLW

Vicinity Map &  
Cross Section  
Trinidad Dr./Jamaica St.  
Turning Basin

Paradise Cay  
Tiburon, California

Maintenance Dredging  
IN: San Francisco Bay  
AT: Paradise Cay  
COUNTY: Marin STATE: CA  
APPLICATION BY: Timmers  
Landing Homeowners Assn  
SHEET: 1 of 3 DATE: 2/1/98



Scale 1" = 400'

PURPOSE: MAINTENANCE  
DREDGING

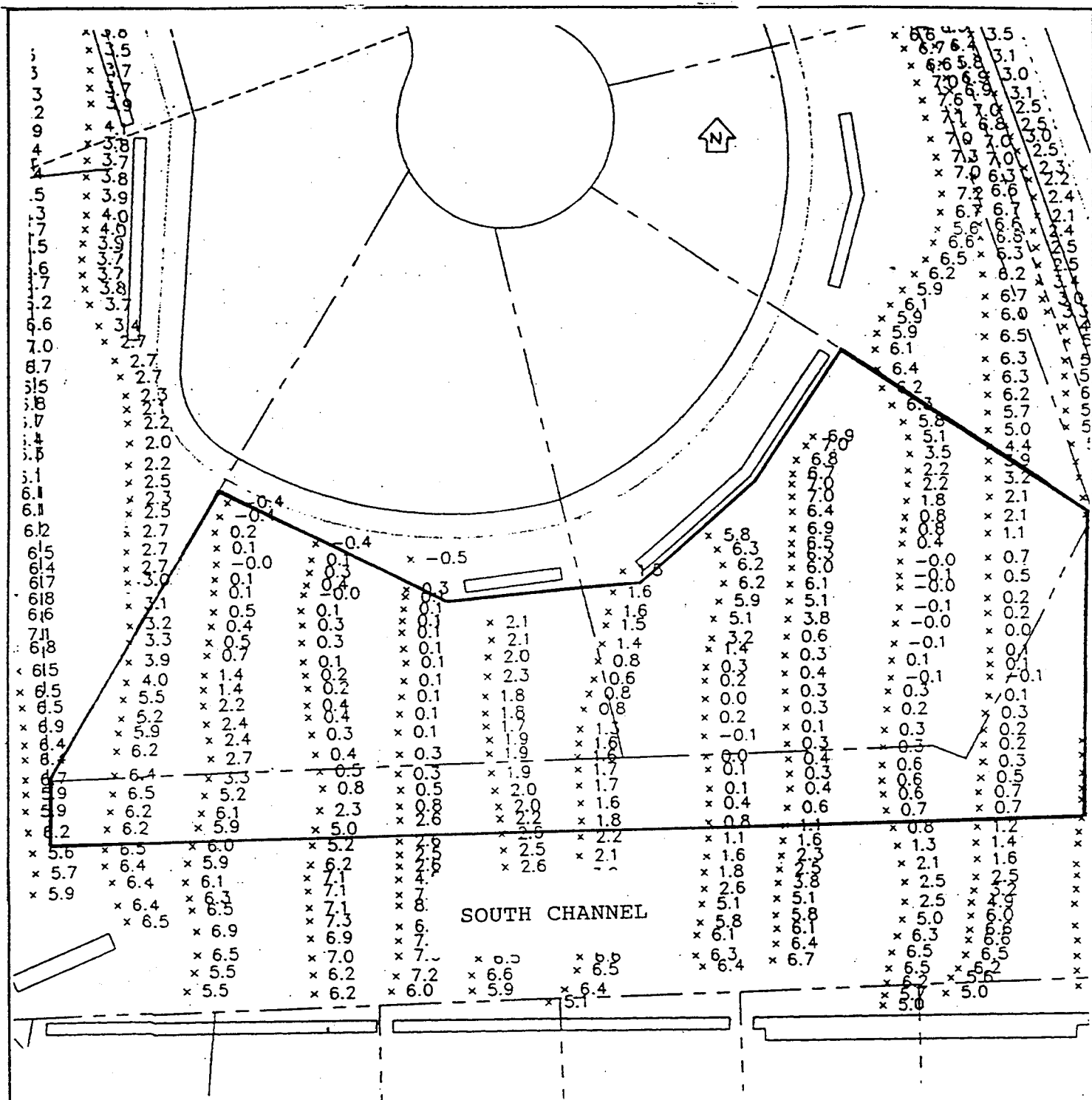
DATUM: MLLW

PLAN VIEW

Trinidad Dr./Jamaica Street  
Turning Basin  
Paradise Cay  
Tiburon, California

Maintenance Dredging

IN: San Francisco Bay  
AT: Paradise Cay  
COUNTY: Marin STATE: CA  
APPLICATION BY: Timmers Land-  
ing Homeowners Assoc. Inc.  
SHEET: 2 of 3 DATE: 2/1/98



PURPOSE: MAINTENANCE  
DREDGING

DATUM: MLLW

HYDROGRAPHIC SURVEY

Trinidad Dr./Jamaica St.  
Turning Basin

Paradise Cay  
Tiburon, California

Maintenance Dredging  
IN: San Francisco Bay  
AT: Paradise Cay  
COUNTY: Marin STATE: CA  
APPLICATION BY: Timmers  
Landing Homeowners Assn  
SHEET: 3 of 3 DATE: 2/1/98